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C O N F I D E N T I A L GENEVA 000766

SIPDIS

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TAGS: PHUM PGOV PREL PINR CE
SUBJECT: SRI LANKA TRIES TO FOSTER GOOD TIES WITH NEW HIGH
COMMISSIONER FOR HUMAN RIGHTS

REF: A. GENEVA 108
1B. GENEVA 515

Classified By: Charge Mark C. Storella. Reasons: 1.4 (B/D).

11. (C) SUMMARY: The Sri Lankan Government, which had a rocky relationship with former High Commissioner for Human Rights Louise Arbour, hopes quickly to forge better ties with Arbour's successor, Navanathem Pillay. Days after Pillay became High Commissioner, Sri Lankan Human Rights Minister Mahinda Samarasinghe came to Geneva to meet with her. An official of the Office of the High Commissioner for Human Rights told us that Pillay generally stuck to the position carved out by Arbour, including on the importance of establishing an OHCHR office in Colombo, but demonstrated somewhat more flexibility about cooperation with the GoSL. Samarasinghe's colleagues, by contrast, characterized Pillay as significantly more flexible than her predecessor, and they clearly seemed hopeful that the pressure to open an OHCHR office would subside. National delegations who met with Samarasinghe voiced a range of views on Sri Lanka's human rights situation, from criticism and concern to support. How the relationship plays out remains to be seen, but Sri Lankan officials are clearly pleased that Arbour stepped down and hope Pillay will prove easier for them to deal with. END
SUMMARY.

HUMAN RIGHTS MINISTER BACK IN TOWN

12. (SBU) As we have noted previously (ref a), there had been bad blood between the GoSL and Arbour, primarily over the issue of opening up an OHCHR office in Colombo, which the Sri Lankans have flatly refused to permit. Hoping to establish a good relationship with new High Commissioner Pillay, the GoSL deployed its Human Rights Minister Samarasinghe, as well as his advisor Rajiva Wijesinghe, to Geneva to meet with Pillay just days after she had assumed her new position. Samarasinghe and Wijesinghe, who have been frequent visitors to Geneva to discuss human rights issues, also met with the diplomatic community to present their government's views.

THE PILLAY MEETING: MOSTLY HOLDING TO ARBOUR'S POSITION

13. (C) Rory Mungoven, head of OHCHR's Asia Unit, told us that Pillay had been satisfied with the meeting, which he also attended. According to Mungoven, Pillay made clear that she would largely pick up where Arbour had left off, and warned the Sri Lankans that she would not hesitate to be outspoken about human rights problems in the country. She also stressed the importance of inviting UN special rapporteurs to the country and giving them full access. Mungoven suggested, however, that Pillay, while still making clear that she wanted to open a field office in Colombo, had placed somewhat less accent on the issue, and had indicated her willingness for OHCHR to help with Sri Lanka's national action plan on

human rights. From Mungoven's perspective, the action plan would produce little if any progress.

¶4. (C) In Mungoven's view, the Sri Lankan officials were particularly impressed that Pillay had previously visited the country to attend the 1999 funeral of assassinated Tamil leader Neelan Tiruchelvam. Because Tiruchelvam was a moderate Tamil, Pillay's attendance signaled to the GoSL that she could be sympathetic to their cause, not just criticize them as they perceived Arbour to have done. Mungoven believed that the fact that Pillay herself is an ethnic Tamil would not have a significant impact on her relationship with Colombo.

¶5. (C) Wijesinghe, who also attended the Pillay meeting, said that it had gone very well. He said that Pillay had not placed as much emphasis on the opening of the OHCHR office as Arbour had done, and that this issue was not likely to be the kind of sticking point it had previously been. Although the meeting produced no concrete results, the GoSL hoped it might lead, as a first step, to more human rights training for the country's police force.

GIVE-AND-TAKE WITH THE DIPLOMATIC COMMUNITY

¶6. (SBU) As on previous visits, Samarasinghe and his team also sought to promote the GoSL's message that Sri Lanka respects human rights and cooperates actively with the Council. Those were key themes in a lunch for the diplomatic community. While asserting that Sri Lanka's record was "terrific" compared to other countries engaged in a war on terrorism, Samarasinghe acknowledged continued human rights

problems. He praised the OHCHR's new Senior Advisor in Colombo and emphasized the Government's national action plan, noting South Korea's help in its implementation. He also argued that Sri Lanka's acceptance of numerous recommendations during the Council's Universal Periodic Review showed the country's willingness to improve.

¶7. (SBU) We were joined by several other delegations in raising concerns about Sri Lanka's human rights record. These included disappearances (UK), indiscriminate government bombing (the Holy See), humanitarian access (Denmark), and gender-based violence (Canada). Canada and Germany joined us in mentioning the importance of a field office, eliciting some prickliness from Wijesinghe, who repeated his government's categorical refusal to accept this. India, Pakistan and the Philippines expressed support for the GoSL.

COMMENT

¶8. (C) The visiting Sri Lankan officials struck us as upbeat, even though they remain disappointed at not having been reelected to the Human Rights Council. They no doubt believe that their government acquitted itself well in the Universal Periodic Review and that their participation therein also lessened what little chance there may have been of having a Council resolution or special session critical of Sri Lanka. Although they are unsure of what to expect from Pillay, they certainly are relieved no longer to have to deal with her predecessor, Louise Arbour, who took what they view as a particularly tough line toward Colombo. They came away from their introductory meeting with Pillay apparently maintaining their hopefulness, despite that fact that she made clear that she will in no way give Colombo a free pass on human rights.

TICHENOR